

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

5:16-CR-264

CHRISTOPHER M. SWARTZ,

Defendant.

APPEARANCES:

HON. GRANT C. JAQUITH
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Northern District of New York
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Syracuse, NY 13261

UNITED STATES DEPARTMENT
OF JUSTICE - TAX DIVISION
Northern Criminal Enforcement Section
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AKERMAN LLP
Attorneys for Claimant Orienta
Investors, LLC
666 Fifth Avenue, 20th Floor
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DAVID N. HURD
United States District Judge

OF COUNSEL:

TAMARA THOMSON, ESQ.
Ass't United States Attorney

JOHN N. KANE, JR., ESQ.

SCOTT M. KESSLER, ESQ.

ORDER PERMITTING DISCOVERY

The United States of America (the "Government") has moved under Federal Rule of Criminal Procedure ("Criminal Rule") 32.2(c)(1)(B) for leave to conduct discovery to resolve factual issues regarding the alleged ownership interest of third-party claimant Orienta

Investors, LLC ("Orienta") in the proceeds of the sale of Jreck Subs.¹ Dkt. No. 212; see also Dkt. No. 203 (approving interlocutory sale in accordance with Criminal Rule 32.2(b)(7)).

Upon review of the Government's motion and supporting affidavit, the Court finds that "discovery is necessary or desirable to resolve factual issues" concerning Orienta's alleged ownership interest. See FED. R. CRIM. P. 32.2(c)(1)(B) (permitting court to direct discovery in accordance with the Federal Rules of Civil Procedure).

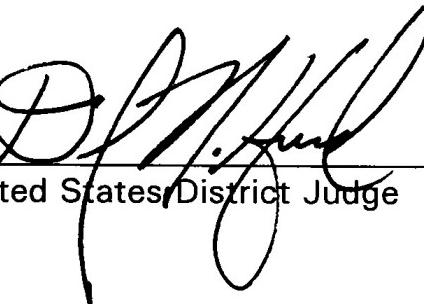
Therefore, it is

ORDERED that

The parties may conduct discovery in accordance with the Federal Rules of Civil Procedure for the purpose set forth *supra*.

IT IS SO ORDERED.

Dated: October 18, 2019
Utica, New York.



United States District Judge

¹ "Jreck Subs" or the "Asset" are shorthand terms for "any and all interests" defendant Christopher Swartz held in "the franchisor corporate business doing business as Jreck Subs in Watertown, New York," including the "franchise rights, trademarks, and other brand-related intellectual property."